

**BANNER & WITCOFF, LTD.**
INTELLECTUAL PROPERTY LAW**RECEIVED**
CENTRAL FAX CENTER
FEB 14 2005601 SW SECOND AVENUE, #1900
PORTLAND, OREGON 97204TEL: 503.425.6800
FAX: 503.425.6801
www.bannerwitcoff.com**FACSIMILE TRANSMITTAL SHEET****To:**
Examiner A. Stashick**FROM:**
Byron S. Kuzara**COMPANY:**
U.S.P.T.O.**DATE:**
February 14, 2005**FAX NUMBER:**
703-872-9306**TOTAL NO. OF PAGES:**
17**RE:**
U.S. Serial No. 10/053,495**OUR REFERENCE No.:**
005127.00090*If you do not receive all page(s) or have any problems receiving this transmission, please call:***NAME:** Lesa Wolman**PHONE:** 503-425-6800**COMMENTS:**

IMPORTANT/CONFIDENTIAL: This message is intended only for the use of the individual or entity to whom it is addressed. This message contains information from the law firm of BANNER & WITCOFF, LTD. which may be privileged, confidential or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, retention, archiving, or copying of the communication is strictly prohibited. If you have received this communication in error, please notify us immediately at our telephone number listed above. We will be happy to arrange for the return of this message to our offices at no cost to you.

CHICAGO

WASHINGTON, D.C.

BOSTON

PORTLAND,
OR

PTO/SB/07 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Certificate of Transmision under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile
transmitted to the Patent and Trademark Office

on 2/14/05.

Date

By S.K.
Signature

Byron S. Kuzara, #51,255

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this
certificate must identify each submitted paper.

Amendment (14 pages)
Fee Transmittal (1 page)

Serial No. 10/053,495
Attorney Docket No. 005127.00090

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SS/17 (12-04v2)

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/09/2004. Fees pursuant to the Consolidated Appropriations Act, 2008 (H.R. 4818). FEE TRANSMITTAL for FY 2005		Complete If Known	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	10/053,495
		Filing Date	11/2/01
		First Named Inventor	Mark Cartier, et al.
		Examiner Name	A. Stashick
		Art Unit	3728
TOTAL AMOUNT OF PAYMENT (\$) 200.00		Attorney Docket No.	005127.00090

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify) : _____
☒ Deposit Account Deposit Account Number: 19-0733 Deposit Account Name: Banner & Witcoff, LTD.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayments of fee(s) ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	—
Design	200	100	100	50	130	65	—
Plant	200	100	300	150	160	80	—
Reissue	300	150	500	250	600	300	—
Provisional	200	100	0	0	0	0	—

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)
 Each independent claim over 30 (including Reissues)
 Multiple dependent claims

Small Entity	
Fee (\$)	Fee (\$)
50	25
200	100
360	180
Multiple Dependent Claims	
Fee (\$)	Fee Paid (\$)
—	0

Total Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**

23 -25 or HP= 0 x = 0

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**

4 - 3 or HP= 1 x 200 = 200

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets **Extra Sheets** **Number of each additional 50 or fraction thereof** **Fee (\$)** **Fee Paid (\$)**

— - 100 = — / 50 = — (round up to a whole number) x = —

4. OTHER FEE(\$)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge):

SUBMITTED BY

Signature	<i>By: S. Kuzara</i>	Registration No. (Attorney/Agent)	51,255	Telephone	503-425-6800
Name (Print/Type)	Byron S. Kuzara	Date	2/14/05		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on this amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-768-9199) and select option 2.

RECEIVED
CENTRAL FAX CENTER
FEB 14 2005

Certificate Of Transmission

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office at telephone number (703) 872-9306 on February 14, 2005.

Respectfully submitted,


By: Byron S. Kuzan
Registration Number 51,255
Banner & Witcoff, Ltd.

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<i>In re</i> Application of)	
)	Group Art Unit: 3728
Mark CARTIER, et al.)	
)	Examiner: Stashick, A.
Serial Number 10/053,495)	
)	Attorney Reference: 005127.00090
Filed: November 2, 2001)	
)	
For: FOOTWEAR MIDSOLE WITH)	
COMPRESSIBLE ELEMENT IN)	
LATERAL HEEL AREA)	

AMENDMENT

Commissioner for Patents
Alexandria, VA 22313

Sir:

In response to the Office Action mailed November 17, 2004, please amend the above-captioned application as follows: